IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIDNARY ORIGINAL CIVIL JURISIDICTION

CHAMBER SUMMONS NO.1626 OF 2003
IN
SUIT NO.2299 OF 2001

Jyoti M.Trivedi .. Plaintiff

Vs.

Amar M.Trivedi & Anr. .. Defendants

And

Pratik A.Trivedi & Anr. .. Applicants

Ms.S.P.Trivedi i/b A.Bharat & Co. for the plaintiff

Ms.Nazneen i/b A.S.Shobhavat for the applicants

CORAM: S.U. KAMDAR, J.

DATE : 23RD MARCH, 2005

P.C. :

1. The present Chamber Summons is taken out by the applicants contenting that the properties of the deceased were an ancestral property and not self acquired and therefore, they have interest in the property . However, in para 2 of the said affidavit in support the applicants themselves have admitted as under:

"Both the applicants are the son and daughter of the defendant no.1 and were alive at time of deceased grandparents the property referred in suit was exclusively own and earned by deceased Shri Mahipatrai Trivedi from his earning and none of the plaintiff and/or defendants have any contribution therein."

2. In view of the aforesaid averments it is clear that the properties of the deceased were self acquired and therefore, the grand children cannot have any share in the said property. In view thereof, Chamber Summons is dismissed. No order as to costs.